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September 7, 2011

Via ECF

Honorable Chief Magistrate Steven M. Gold
U.S. DISTRICT COURT
for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Blumenthal Distributing, Inc. dba Office Star Products and Tung-Hua Su vs. Executive Chair Seating, Inc. dba Shop Seating of Brooklyn*
Civil Action No. 1:10-CV-01280-CBA-SMG
CPH Ref. O177:100.5

Dear Judge Gold:

Pursuant to the Minute Order dated September 7, 2011, Plaintiffs hereby enclose a copy of the Declaration of Plaintiff Tung-Hua Su ("Su") (as well as a copy of the notice of electronic filing of the declaration from the Court) which confirms the oral exclusive license which Su granted to Plaintiff Blumenthal Distributing, Inc. ("Blumenthal") to sell and use in the United States and import into the United States chairs which embody the design claimed in United States Patent No. D510,488 (the "'488 Patent") and to sue for infringement of the patent. This declaration was previously filed with the Court on September 8, 2010 in support of Blumenthal's reply in support of its Motion for a Preliminary Injunction. See Response to Order filed on September 21, 2010 in which Blumenthal states that its license agreement was oral and that there was no written license agreement. See also, Report and Recommendation dated November 9, 2010, pp. 2, 7-8, in which the Court recognized the existence of an oral license and the terms thereof. The undersigned counsel for Plaintiffs hereby confirms that no additional writing exist which constitute a written license between Su and Blumenthal concerning the '488 Patent or which vary the terms states by Su in the attached declaration.

Respectfully submitted,

/s/Edward R. Schwartz
Edward R. Schwartz

ERS/ses

cc: Elie Poltorak (Via ECF)

Enclosures

SES PAS1136673.1-*09/7/11 11:06 AM

James B. Christie (1904-1959)
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BLUMENTHAL DISTRIBUTING, INC. dba
OFFICE STAR PRODUCTS

Plaintiff,

vs.

EXECUTIVE CHAIR, INC. dba
SHOP SEATING OF BROOKLYN

Defendant.

Case No. 1:10-CV-1289-CBA-SMG

DATE: April 9, 2010

TIME: 2:00 p.m.

CTRM: 10D

JUDGE: Hon. Carol B. Amon

**DECLARATION OF TUNG-HUA SU
IN SUPPORT OF PLAINTIFF'S APPLICATION
FOR A PRELIMINARY INJUNCTION**

Tung-Hua Su states:

1. I make this declaration based on personal knowledge and could competently testify to the facts stated herein if called upon to do so.

2. I am the owner of United States Patent No. D510,488 entitled CHAIR (the "'488 Patent").

3. I have granted to Blumenthal Distributing, Inc. ("Blumenthal") the sole and exclusive license to sell and use in the United States and import into the United States chairs which embody the design claimed in the '488 Patent.

4. I have also granted to Blumenthal the exclusive right to sue for infringement of the '488 Patent including the right to seek injunctions and/or monetary damages.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration is executed on April 8, 2010, in
No. 6, Sec 3, Baoda Rd., Kuwi Jen Hsiang, Tainan Hsien, Taiwan.

Tung-Hua Su

Tung-Hua Su

SES PAS896297 1-*04/8/10 11:22 AM

Responses and Replies

1:10-cv-01280-CBA -SMG Blumenthal Distributing, Inc. v. Executive Chair, Inc.

U.S. District Court

Eastern District of New York

Notice of Electronic Filing

The following transaction was entered by Schwartz, Edward on 9/8/2010 at 3:46 PM EDT and filed on 9/8/2010

Case Name: Blumenthal Distributing, Inc. v. Executive Chair, Inc.

Case Number: 1:10-cv-01280-CBA -SMG

Filer: Blumenthal Distributing, Inc.

Document Number: 41

Docket Text:

REPLY in Support re [23] Notice of MOTION for Preliminary Injunction filed by Blumenthal Distributing, Inc.. (Attachments: # (1) Declaration of Tung-Hua Su in Support of Plaintiff's Application for a Preliminary Injunction) (Schwartz, Edward)

1:10-cv-01280-CBA -SMG Notice has been electronically mailed to:

Edward R. Schwartz ers@cph.com, suzanne.swezey@cph.com

Elie C. Poltorak elie@poltoraklaw.com, office@poltoraklaw.com

1:10-cv-01280-CBA -SMG Notice will not be electronically mailed to:

The following document(s) are associated with this transaction:

Document description:Main Document

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[STAMP NYEDStamp_ID=875559751 [Date=9/8/2010] [FileNumber=5472520-0] [d98c5deb41614a06f57de05403207600639fa6f109a804c481774bdb9a1d8fc2862dcd e0bb943d5954d42839b117b7c504ee893c7ce6bfbcd67c7898919d70cf]]

Document description:Declaration of Tung-Hua Su in Support of Plaintiff's Application for a Preliminary Injunction

Original filename:n/a

Electronic document Stamp:

[STAMP NYEDStamp_ID=875559751 [Date=9/8/2010] [FileNumber=5472520-1] [03f9a1ddea0b0855abb3febebbebe32a1ba3dd2da3fb68e3793ff23b85e2b3f1b19bd9 b23e969c314c382b6fb992c22368d321460bba63188849ca885545deb6]]